

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT WINCHESTER

RENA A. PITTENGER,	)	
	)	
Plaintiff	)	
	)	
v.	)	No. 4:05-cv-75
	)	
JO ANNE B. BARNHART,	)	
Commissioner of	)	
Social Security,	)	
	)	
Defendant	)	

**MEMORANDUM AND ORDER**

This matter was referred to a United States magistrate judge of this district pursuant to 28 U.S.C. § 636(b) and Rule 72(b), Federal Rules of Civil Procedure, for a report and recommendation regarding disposition of plaintiff's motion for judgment on the pleadings [Court File #10] and defendant's motion for summary judgment [Court File #16]. In a report and recommendation filed May 31, 2006, the United States magistrate judge recommended that plaintiff's motion be denied and defendant's motion be granted. Plaintiff has failed to file a timely objection to the report and recommendation and is therefore deemed to have waived any response. Rule 7.2, Local Rules for the United States District Court for the Eastern District of Tennessee.

Upon a *de novo* review of the record in this case and the magistrate judge's report and recommendation, I am in agreement with the United States magistrate judge. Specifically, there is substantial evidence in the record to support the conclusion of the administrative law judge that there are a significant number of jobs in the national and regional economies which plaintiff could perform and is therefore not under a disability as defined in the Social Security Act.

Accordingly, the report and recommendation of the United States magistrate judge [Court File #18] is hereby ACCEPTED IN WHOLE. Plaintiff's motion for judgment on the pleadings [Court File #10] is DENIED; defendant's motion for summary judgment [Court File #16] is GRANTED; and this action is hereby DISMISSED.

**E N T E R :**

**s/ James H. Jarvis**  
UNITED STATES DISTRICT JUDGE